

***United States Court of Appeals
for the Second Circuit***



**APPELLEE'S
APPENDIX**

77-1075

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IN THE
United States Court of Appeals
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
WILLIAM G. WRIGHT,
Defendant-Appellant.

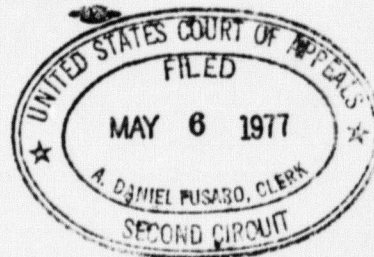
GOVERNMENT'S APPENDIX

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

RICHARD J. ARCARA,
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Western District of New York,
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BATAVIA TIMES, APPELLATE COURT PRINTERS
A. GERALD KLEPS, REPRESENTATIVE
20 CENTER ST., BATAVIA, N. Y. 14020
716-948-0487



PAGINATION AS IN ORIGINAL COPY

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Transcript of Proceedings, May 20, 1975.

626-629 Liberty Bank Bldg.

Buffalo, N. Y. 14202

853-5600

WILLIAM G. WRIGHT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

STATEMENTS

-VS-

JOHN DOE,

EXAMINATIONS
BEFORE TRIAL

Defendant.

DEPOSITIONS

Testimony of WILLIAM G. WRIGHT, taken
in proceedings held before the United States Grand
Jury, in the Federal Building, Buffalo, New York,
taken on May 20, 1975, commencing at 10:35 A.M.

CONFERENCES

APPEARANCES:

RICHARD J. ARCARA, ESQ.
United States Attorney
By THEODORE J. BURNS, ESQ.,
Assistant United States Attorney
United States Courthouse,
Buffalo, New York.

CONVENTIONS

ARBITRATIONS

PRESENT:

LIZABETH A. KLUCZYNSKI,
Grand Jury Court Reporter.

CERTIFIED SHORTHAND REPORTER
LICENSED BY THE
STATE OF NEW YORK
CERTIFICATE NO. 517

Jack W. Hunt C. S. R.
OFFICIAL SUPREME COURT REPORTER
& Associates

W. G. Wright, for Government, Direct.

1 W I L L I A M G. W R I G H T, after being duly
2 called and sworn, testified as follows:

3
4 EXAMINATION BY MR. BURNS:

5
6 Q. Would you state your name for the record, please?

7 A. William G. Wright.

8 Q. And, where are you employed, Mr. Wright?

9 A. Buffalo Police Department.

10 Q. How long have you been employed by them?

11 A. Approximately five years.

12 Q. Were you involved in an automobile accident while on
13 duty on or about January 24, 1972?

14 A. I really don't remember.

15 Q. The date?

16 A. The date. I've been involved in a few accidents.

17 Q. Do you recall being involved in an accident with
18 Richard Marvin?

19 A. Yes.

20 Q. Around that time, January, '72?

21 A. It was in the winter, I know that.

22 Q. About three years ago, perhaps?

23 A. That's what I don't remember.

W. G. Wright, for Government, Direct.

1 Q. Well, what accident was that?

2 A. I remember -- vaguely I remember an accident going
3 down some street and it was a Volkswagen involved.

4 Q. Well, you've had a number of accidents. Have you been
5 represented by attorneys in connection with all of
6 them?

7 A. No.

8 Q. How many of them?

9 A. I don't remember.

10 Q. Who had you retained -- have you retained the same
11 attorney?

12 A. Have I retained what same attorney?

13 Q. Same attorney for all the --

14 A. I don't remember retaining any attorney.

15 Q. Have you ever retained Kevin Brinkworth to represent
16 you?

17 A. Yes.

18 Q. In connection with what?

19 A. The accident I had with Patrolman Marvin.

20 Q. All right. And, which accident was that?

21 A. The one that happened in the wintertime, with the
22 Volkswagen, I believe it was a Volkswagen. I'm
23 not sure.

W. G. Wright, for Government, Direct.

1 Q. How many other accidents have you had during the
2 past six, seven years?

3 A. I couldn't tell you. I don't know.

4 Q. Why couldn't you tell me? Is it that many?

5 A. Well, I couldn't tell -- tell you. I don't remember.
6 I remember that one specifically because of talking
7 to Mr. Marvin. Working in the patrol car you're
8 apt to have a few accidents, minor accidents, et
9 cetera, you know, what do you consider an accident?

10 Q. You've been working five years for the police depart-
11 ment?

12 A. Yes.

13 Q. How long as a patrolman?

14 A. Five years.

15 Q. All five years?

16 A. Yes.

17 Q. Are you presently working as a patrolman?

18 A. I'm presently a patrolman.

19 Q. Have you had more than ten accidents?

20 A. I couldn't say.

21 Q. How many times have you retained an attorney
22 in connection with these accidents?

23 A. I believe this is the first case, I believe, that I

W. G. Wright, for Government, Direct.

1 retained an attorney. I don't remember any other
2 ones.

3 Q. This is the only case where you can recall having
4 retained an attorney?

5 A. As far as I can recall, yes.

6 Q. Have you ever reached any settlement with other
7 drivers of automobiles or other persons?

8 A. No.

9 Q. You never have?

10 A. No.

11 Q. Have you ever sued them?

12 A. No.

13 Q. Have you ever submitted any claims to their insurance
14 companies?

15 A. For damage, physical damage or --

16 Q. For anything?

17 A. Not that I remember. I might have had some vehicle
18 damage, then I wouldn't -- you're referring to when
19 I'm working, right?

20 Q. During the five years in the police department?

21 A. While I'm working?

22 Q. No, any accidents during the past five years?

23 A. No, I don't believe I ever submitted any claims.

W. G. Wright, for Government, Direct.

1 Q. Have you had some accidents during the past five
2 years while you were off duty?

3 A. No.

4 Q. So, all the accidents we're talking about would be
5 while you were on duty as a patrolman?

6 A. Right.

7 Q. And, there's only one case, then, where you retained
8 an attorney?

9 A. Right. One case.

10 Q. And, that is the case involving Patrolman Marvin?

11 A. That's correct.

12 Q. Who did you retain?

13 A. Kevin Brinkworth.

14 Q. Had he done any business for you before that date?

15 A. None other than advice.

16 Q. Had he ever given you any advice regarding automobile
17 accidents?

18 A. No.

19 Q. Was he a personal friend of yours?

20 A. I wouldn't say he was a personal friend of mine.

21 I have seen him in Court quite a few times and I've
22 talked with him.

23 Q. Were you injured in this automobile accident?

W. G. Wright, for Government, Direct.

- 1 A. I believe. I remember going to a doctor. Was I
2 injured? I think -- I don't know. I don't remember.
3 Q. You don't remember whether you were injured in the
4 accident?
5 A. It wasn't serious if I was.
6 Q. It was not serious?
7 A. I don't remember having any serious injuries.
8 Q. Did you see a doctor in connection with the injuries
9 which weren't so serious?
10 A. I believe I did.
11 Q. What doctor did you see?
12 A. I couldn't tell you his name.
13 Q. You couldn't tell me what doctor you saw?
14 A. No.
15 Q. Where does he practice?
16 A. I don't even know where he lived -- practiced.
17 Q. You don't know where his office is?
18 A. No.
19 Q. Where do you live?
20 A. I live at 83 Sussex Street, Buffalo, New York.
21 Q. In what area of the city is Sussex Street?
22 A. I guess you could consider it the north section.
23 Q. Where is it specifically?

W. G. Wright, for Government, Direct.

1 A. Near Meyer Memorial Hospital.

2 Q. Were you living there back in 1972?

3 A. Yes, I was.

4 Q. Do you have a family physician?

5 A. No, not to speak of.

6 Q. Are you married?

7 A. No.

8 Q. Do you reside at Sussex with anyone else?

9 A. Do I reside at --

10 Q. With any family?

11 A. No.

12 Q. How did you get the name of the doctor that you went
13 to see?

14 A. I don't remember.

15 Q. You don't recall where he was?

16 A. That was three years ago. I don't remember.

17 Q. You don't recall your injuries?

18 A. No.

19 Q. You don't recall what doctor you saw?

20 A. No.

21 Q. You don't recall where you went to see him?

22 A. No.

23 Q. Do you recall what he looks like?

1 A. No. He was white.

2 Q. Do you recall what treatment you received?

3 A. No.

4 Q. Do you recall how many times you went to see the
5 doctor?

6 A. No.

7 Q. Did you go to see the doctor more than once?

8 A. I don't recall.

9 Q. Did you go to see the doctor more than ten times?

10 A. I don't recall.

11 Q. Have you discussed your testimony with anyone prior
12 to coming to this Grand Jury today?

13 A. I couldn't discuss my testimony because I didn't know
14 what it was about until I talked to you.

15 Q. Did I tell you prior to your appearance today that
16 it involved an automobile accident in which you were
17 represented by Kevin Brinkworth?

18 A. You told me you were doing some investigation on
19 handling of automobile cases.

20 Q. Did you discuss this with Kevin Brinkworth prior to
21 coming here today?

22 A. I talked to him.

23 Q. Did you talk to him about this accident?

W. G. Wright, for Government, Direct.

1 A. Yes.

2 Q. Did he give you advice regarding your testimony today?

3 A. No. He said, tell what you know.

4 Q. You have no idea what doctor you saw, Mr. Wright?

5 A. No. I have no idea.

6 Q. Do you know if you went to see him more than twenty
7 times?

8 A. I don't recall.

9 Q. In other words, it could be more than twenty times?

10 A. I don't recall.

11 Q. Do you recall going to see him more than once?

12 A. I don't recall.

13 Q. In other words, Mr. Wright, you're saying that you
14 may have seen him on only one occasion?

15 A. In other words, what I'm saying is I don't recall.

16 Q. Well, did you see him more than forty times?

17 A. I don't know.

18 Q. You mean it's possible that you actually went to see
19 the doctor on forty times or more than that?

20 A. I don't know, that's what I mean.

21 Q. You are unable to estimate anywhere between one and
22 forty times?

23 A. I am unable to estimate.

W. G. Wright, for Government, Direct.

1 Q. In other words, it could have been just one time?

2 A. I don't know.

3 Q. And then again, it could have been forty times, is
4 that correct?

5 A. I don't know.

6 Q. All right. Mr. Wright, I think you should be
7 advised that the Grand Jury may very well consider
8 your testimony to be absolutely incredible. You
9 run a very serious risk of a perjury indictment on
10 account of your testimony here today?

11 A. I think that you should remember that I'm under oath
12 and I'm telling the story to the best of my
13 recollection.

14 Q. And, you are unable to --

15 A. I am unable --

16 Q. How about one hundred times, Mr. Wright?

17 A. I am unable to --

18 Q. Just answer that question?

19 A. I am unable to speculate on how many times I have
20 seen the doctor. I know I've seen him once because
21 I remember he was a white doctor. How many times other
22 than that, I don't know.

23 Q. Do you know if it was more than a hundred?

W. G. Wright, for Government, Direct.

1 A. I don't remember.

2 Q. In other words, if you say you don't remember what
3 you're saying is, there's a possibility you saw him
4 on at least one hundred occasions, is that your
5 testimony --

6 A. No.

7 Q. -- that you may have seen --

8 A. That's what you're saying.

9 Q. Is that your testimony?

10 A. No. My testimony is I don't remember.

11 Q. I want you to answer the questions that are put
12 to you?

13 A. I think I did.

14 Q. Now, didn't -- is it within the realm of possibility
15 that you recall it, that you assume one hundred times
16 or more?

17 A. I don't remember.

18 Q. Did you ever see a doctor's bill from this accident?

19 A. Not that I can recall.

20 Q. Did you discuss this automobile accident and the
21 treatment you received with Kevin Brinkworth prior
22 to your coming to the Grand Jury today?

23 A. I believe I talked to him about it, at the time

W. G. Wright, for Government, Direct.

13

1 of the accident. I don't know about the treatment
2 I received. I remember talking to him about the
3 accident.

4 Q. Have you talked to him within the past few months
5 regarding this accident?

6 A. Not since the date.

7 Q. Not since when?

8 A. Today. This morning I talked to him.

9 Q. You haven't talked to him this morning about it,
10 Mr. Wright?

11 A. No.

12 Q. You talked to him this morning, is that correct?

13 A. Well, I did. Periodically, maybe every six months
14 I would call him to find out how the case was
15 progressing.

16 Q. So, you talked to him this morning?

17 A. Yes.

18 Q. What did he tell you?

19 A. He said -- well, it hasn't been disposed of yet.

20 Q. Did you mention you were coming before the Grand
21 Jury today?

22 A. Yes.

23 Q. And, what did he say to that?

W. G. Wright, for Government, Direct.

1 A. He say, I don't know what they're investigating.

2 Q. Did he give --

3 A. I say, I don't know either.

4 Q. Did he give you some advice to answer you don't
5 remember or you don't recall when you're not sure of
6 the answer?

7 A. No. He said, tell the truth.

8 Q. He said just to tell the truth?

9 A. Yes.

10 Q. Did you lose any time from work on account of this
11 accident?

12 A. I don't remember.

13 Q. You don't remember?

14 A. No, I don't. I -- I'm very vague in that three years
15 ago is a long time.

16 Q. Mr. Wright, are you a Buffalo City Policeman?

17 A. Yes, I am.

18 Q. Do you go through any particular training?

19 A. I go through the same training as any other policeman.

20 Q. Do you actually testify in Court?

21 A. Yes, I do.

22 Q. Under oath?

23 A. Yes, I do.

W. G. Wright, for Government, Direct.

1 Q. And, what do you testify about?

2 A. It all depends on what I'm there for.

3 Q. You may be testifying about things you see?

4 A. That's correct.

5 Q. Things you do?

6 A. That's correct.

7 Q. And, you are trained, I take it, to -- in law enforce-
8 ment?

9 A. That's correct.

10 Q. And, trained to testify in Court?

11 A. That's correct.

12 Q. And, is your testimony here you have no recollection
13 as to an approximate number of times that you saw
14 this doctor after the accident in January of '72?

15 A. That's correct.

16 MR. BURMS: I have no further questions, although
17 again, Mr. Wright, I'm going to caution you
18 that your testimony bordered on the incredible,
19 that a trained police officer whose duty it
20 is to enforce laws and to observe certain
21 things happening who is trained to testify
22 in Court, that your testimony that you cannot
23 recall where and within a range of one to one

W. G. Wright, for Government, Direct.

1 hundred, your visits to the doctor were, that
2 this Grand Jury will have serious questions
3 about the truthfulness of your testimony here
4 today.

5 THE WITNESS: That's your opinion.

6 MR. BURNS: And, you have this opportunity at this
7 moment, Mr. Wright, if you like, to change
8 your testimony or add to it in any way?

9 THE WITNESS: Well, I can't testify to what I don't
10 remember.

11 MR. BURNS: Any questions?

12 A JUROR: What possessed you to go to the doctor if you
13 don't recall any injuries?

14 THE WITNESS: Well, what possessed me to go to the
15 doctor?

16 A JUROR: Why did you go to a doctor if you don't
17 recall a bump or scratch or whatnot?

18 THE WITNESS: I remember after the accident I was
19 talking to the lawyer about it -- I can't
20 say. I don't know. I don't remember.

21 A JUROR: Do you remember the accident, who was
22 driving?

23 THE WITNESS: Which car?

W. G. Wright, for Government, Direct.

17

1 A JUROR: Well, I take it you're the patrolman, you
2 were driving the patrol car?

3 THE WITNESS: There were two cars involved.

4 A JUROR: But, you were a driver?

5 THE WITNESS: Yes. I was driving the police vehicle,
6 that's correct.

7 A JUROR: Was anybody in the other car injured?

8 THE WITNESS: I don't know.

9 A JUROR: Do you recall the call number on that car?

10 THE WITNESS: Pardon me?

11 A JUROR: The number of the car, the police car, they
12 generally have numbers on the side?

13 THE WITNESS: I believe it was 328, which was my
14 personal car. I am not sure of that fact.

15 A JUROR: Did the doctor ever send you a bill?

16 THE WITNESS: Not that I remember. I don't know.

17 MR. BURNS: You say you discussed this settlement
18 a number of times with Mr. Brinkworth or
19 discussed your case?

20 THE WITNESS: I would call him periodically, six
21 months or so, and he would tell me it's still
22 in Court.

23 MR. BURNS: What kind of case do you have?

W. G. Wright, for Government, Direct.

1 THE WITNESS: I'm not a lawyer, I don't know.

2 MR. BURNS: I asked what kind of case, what kind of
3 expenses, why do you even have a case?

4 THE WITNESS: I don't remember.

5 BY MR. BURNS:

6 Q. Are you suing somebody, Mr. Wright?

7 A. If so, I don't know who.

8 Q. Do you have a claim against somebody for some
9 money or some damages?

10 A. I believe I do. I don't know. I'm not sure.

11 Q. Well, why are you seeing Mr. Brinkworth?

12 A. Well, basically I see him because he -- Marvin
13 was seeing him.

14 Q. Because what?

15 A. Marvin was seeing him so he came in and he wanted
16 to talk to both officers involved.

17 Q. Well, was he your attorney?

18 A. In this particular case, he is.

19 Q. Why do you need an attorney?

20 A. Because I assume, but I'm not positive, I assume
21 that it's a lawsuit against the insurance company of
22 the other driver, but that's just an assumption,
23 now, I'm not swearing to it.

W. G. Wright, for Government, Direct.

19

- 1 Q. Of course not. Why would you have a lawsuit against
2 the insurance company or against anybody?
- 3 A. Because of injuries, I guess -- I think -- I think --
4 well, I don't know. I think that Marvin was shook
5 up pretty bad in the accident.
- 6 Q. How could you have a lawsuit if you can't testify
7 to any injuries, any lost wages, any --
- 8 A. I don't remember. I didn't say I could testify.
9 I just say I don't remember.
- 10 Q. What's your lawsuit about?
- 11 A. Usually when I have a case, I have my notes before
12 me.
- 13 Q. Do you have some notes?
- 14 A. No. That's three years ago.
- 15 Q. You wouldn't keep any notes?
- 16 A. Not for three years.
- 17 Q. You were on duty?
- 18 A. There's an accident report. The accident report
19 would indicate whether the officers reported off
20 injured and so forth and so on.
- 21 Q. But, you kept notes regarding any numbers of visits
22 to the doctor?
- 23 A. No.

W. G. Wright, for Government, Direct.

20

1 Q. Or, lost wages?

2 A. No, I wouldn't keep that. I don't -- I don't think I
3 lost any wages, to tell you the truth.

4 Q. You don't think you did?

5 A. No.

6 Q. Why did you keep checking with Mr. Brinkworth about
7 the status of the case when you know nothing about
8 the case?

9 A. Because it's still pending.

10 Q. What's still pending?

11 A. The outcome of the case.

12 Q. What case?

13 A. The accident case.

14 Q. You say you didn't lose any money from work?

15 A. I don't remember.

16 Q. For what reason would you receive any money, then?

17 A. What reason would I lose any money? If I did call
18 off sick, then I'd recover.

19 Q. But, you said you lost no wages?

20 A. Not that I remember.

21 Q. Well, did you have any other bills?

22 A. If I seen a doctor I would assume that there was a
23 doctor bill.

W. G. Wright, for Government, Direct.

1 Q. But, you will not --

2 A. I don't remember seeing any doctor bill. I don't
3 remember paying any doctor bill myself.

4 Q. But, you do remember seeing a doctor?

5 A. I know I seen a doctor.

6 Q. But, you have no idea how many times you saw him?

7 A. No. I -- I'm trying to think now whether I went
8 for X-rays or -- at that time or not. I don't
9 remember.

10 MR. BURNS: Any other questions?

11 A JUROR: Back to the time of the accident, did you
12 radio for help? Your -- your partner was
13 injured and I take it that you still -- your
14 duty as a patrolman would more or less --
15 maybe you were shook up, did you radio for
16 help for another patrolman, what about the
17 people in the other car, wouldn't that be
18 your first concern, that --

19 THE WITNESS: Well, that would be if I had noticed
20 some serious injuries at that point, but --

21 A JUROR: Do you remember what you did at the time of
22 the accident?

23 THE WITNESS: No. I remember going down the street,

W. G. Wright, for Government, Direct.

1 we were going to an emergency situation and
2 I hit the side of a Volkswagen. That's all
3 I remember about it.

4 A JUROR: Did you continue on your original call? Did
5 you follow-up to the emergency call?

6 THE WITNESS: I don't remember that either. The
7 procedure would have been --

8 A JUROR: What procedures do you have --

9 THE WITNESS: It would have been to stop right there
10 and to call the accident investigation
11 unit and they would come out any time there's
12 a city involved accident, that would be the
13 procedure. Whether I followed that procedure
14 or not, I don't remember at this point.

15 A JUROR: Well, did you remember leaving the scene of
16 an accident? Did an ambulance come and take
17 you by ambulance? Did you walk away? Did you
18 report back to the station?

19 THE WITNESS: No, I didn't go by ambulance. I --

20 A JUROR: Did any other people? Did Marvin go by
21 ambulance?

22 THE WITNESS: I don't remember.

23 A JUROR: Was it your fault or was it the other car's

W. G. Wright, for Government, Direct.

1 fault?

2 THE WITNESS: It was the other car's fault.

3 A JUROR: You remember that?

4 THE WITNESS: Because I wrote her a summons.

5 A JUROR: You remember writing a summons at the scene of
6 the accident?

7 THE WITNESS: No. I wrote the summons at the precinct
8 station house.

9 A JUROR: So, you went back to the station house after
10 the accident?

11 THE WITNESS: I don't remember if I went after the
12 accident or went on the emergency call, then
13 went back to the station. I don't remember.

14 A JUROR: What procedure did you follow when you're
15 personally injured?

16 THE WITNESS: When I'm -- all depends on the extent
17 of the injury.

18 A JUROR: Well, not too serious?

19 THE WITNESS: It all depends on the emergency situation
20 that I was responding to. If that was a life
21 or death situation, if the injury wasn't
22 too serious, I would continue on to that
23 situation, I would, personally.

W. G. Wright, for Government, Direct.

1 A JUROR: Doesn't the city require that you see the
2 police surgeon?

3 THE WITNESS: If you call off sick, the city requires
4 you to see the police surgeon, that is correct.

5 A JUROR: I don't mean if you call in sick. Right after
6 an accident, aren't you required to go and
7 see the police surgeon?

8 THE WITNESS: Not right after the accident, probably
9 the following day or something of that nature.

10 A JUROR: Was that the one doctor that you remembered?

11 THE WITNESS: No, I seen a doctor in addition to the
12 police surgeon and if I seen the police
13 surgeon at all, I don't remember seeing the
14 police surgeon.

15 A JUROR: How many times did you see the police surgeon?

16 THE WITNESS: I don't remember. I don't remember
17 even seeing the police surgeon. I'm sure he
18 would have a record of it, though.

19 A JUROR: Who told you to go to the doctor?

20 THE WITNESS: I don't remember. It must have been
21 Mr. Brinkworth or Marvin, one of the two,
22 'cause I didn't know the doctor and I still
23 don't know the doctor.

W. G. Wright, for Government, Direct.

1 MR. BURNS: When was the last time you saw the
2 doctor?

3 THE WITNESS: I don't remember.

4 MR. BURNS: Was it in the course of your treatment
5 with him?

6 THE WITNESS: I couldn't say.

7 MR. BURNS: You don't know if you seen him after you
8 stopped going to him for treatment?

9 THE WITNESS: Pertaining to this accident?

10 MR. BURNS: No. Just, have you seen him since you
11 finished your treatment with him?

12 THE WITNESS: I don't know.

13 MR. BURNS: Did you, in the company of Kevin
14 Brinkworth, go to see this particular
15 doctor?

16 THE WITNESS: No.

17 MR. BURNS: At no time did you ever do that?

18 THE WITNESS: No.

19 MR. BURNS: Did you ever go to see this doctor
20 again with any other individual?

21 THE WITNESS: I don't know. I don't -- I don't
22 remember.

23 MR. BURNS: You don't remember?

W. G. Wright, for Government, Direct.

1 THE WITNESS: No.

2 A JUROR: Do you remember the doctor's name?

3 THE WITNESS: No. I don't.

4 THE FOREMAN: Did you lose any time from work?

5 THE WITNESS: I don't know.

6 THE FOREMAN: You mean if you had an accident and like
7 you say this is your first accident you
8 have ever been in that you reported a claim,
9 you wouldn't know if you lost any time from
10 work?

11 THE WITNESS: I don't know if I lost any time. I'm
12 sure his records would clarify it.

13 THE FOREMAN: Where would we go to get the records?

14 THE WITNESS: The police headquarters. If I called
15 sick, there must be a form that I filled
16 out, injured on duty form.

17 THE FOREMAN: Would you have to reimburse the city for
18 any money collected from the city for being
19 off?

20 THE WITNESS: I think that's the procedure.

21 THE FOREMAN: You never went through this procedure
22 before?

23 THE WITNESS: I don't remember going through it now.

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1 THE FOREMAN: You don't remember losing any time from
2 work?

3 THE WITNESS: No, I don't remember.

4 A JUROR: You said Mr. Marvin was shaken up after the
5 accident, is that right?

6 THE WITNESS: He seemed to be shaken up to me.

7 A JUROR: Do you know if he went to see the police
8 surgeon?

9 THE WITNESS: I don't have the slightest idea.

10 THE FOREMAN: Did Mr. Brinkworth talk to you and
11 Marvin together about the accident?

12 THE WITNESS: I don't remember.

13 THE FOREMAN: Mr. Wright, if you don't remember, why
14 did you have to think about it?

15 THE WITNESS: To see if I could remember.

16 THE FOREMAN: Did you have X-rays taken?

17 THE WITNESS: I believe I did. I'm not sure.

18 THE FOREMAN: Did they ever send you a bill for that?

19 THE WITNESS: Not that I know of. I don't remember
20 if they did.

21 A JUROR: What part of your body did they take X-rays
22 of?

23 THE WITNESS: I don't remember if they took X-rays or

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1 not. If they did, I don't know what type of
2 X-rays they took.

3 A JUROR: Does Dr. Naples ring a bell to you?

4 THE WITNESS: Dr. who?

5 A JUROR: Naples?

6 THE WITNESS: No, not really.

7 A JUROR: What about Dr. Mernan?

8 THE WITNESS: No.

9 A JUROR: Neither one of those doctors --

10 THE WITNESS: Doesn't ring a bell with me, no.

11 A JUROR: You've never seen either one of those
12 doctors?

13 THE WITNESS: I don't know.

14 A JUROR: Did you go to a hospital for any X-rays?

15 THE WITNESS: I don't even remember taking X-rays.

16 If I did, I couldn't tell you what hospital.

17 A JUROR: The last thing you remember clearly was
18 hitting the Volkswagen and caving in the
19 side of the Volkswagen, you remember that?

20 THE WITNESS: Yes. And, I remember it was on Marvin's
21 side of the car that hit. He was the
22 passenger, I was the driver.

23 A JUROR: So, Marvin got more injured, more shock?

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1 THE WITNESS: This side was hit and I believe -- no,
2 I don't know. I don't even know if it was
3 the driver's side of the car or not.

4 A JUROR: Do you remember where you were going when you
5 had the accident?

6 THE WITNESS: To the call.

7 A JUROR: Do you remember what the call was?

8 THE WITNESS: No, I don't.

9 A JUROR: So, you think at the time of this accident
10 you just lost your memory?

11 THE WITNESS: No. I don't think that.

12 A JUROR: Well, you remember hitting a Volkswagen on
13 the side but yet after that everything is
14 sketchy?

15 THE WITNESS: Everything is sketchy -- that's how much
16 I remember. I don't think I lost my
17 memory. I just don't recollect. Three
18 years ago, a lot happened since then and --

19 A JUROR: Did you and Marvin see the attorney together?

20 THE WITNESS: I don't believe that I was ever in the
21 company of Marvin in talking to Mr. Brinkworth
22 nor vice versa.

23 A JUROR: Do you know if you went to see him before Marvin?

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1 THE WITNESS: I don't know.

2 A JUROR: Did you ever go to see your doctor with
3 Marvin where you were both scheduled on the
4 same day at the same time?

5 THE WITNESS: No. I don't remember.

6 A JUROR: You don't remember ever going with Marvin to
7 see the doctor?

8 THE WITNESS: That's correct.

9 THE FOREMAN: You stated earlier that Mr. Brinkworth
10 talked to you and Marvin together. Where was
11 this at, about the accident?

12 THE WITNESS: I don't believe I said together. I
13 think I said he talked to me and Marvin. I
14 don't remember talking together.

15 THE FOREMAN: You can remember this? This is three
16 years ago, you can remember this?

17 THE WITNESS: This is three years ago. I don't remember
18 talking to Mr. Brinkworth in the company of
19 Mr. Marvin.

20 A JUROR: Did you ever see any doctors for any other
21 accidents you had?

22 THE WITNESS: I don't believe -- I don't believe so.

23 A JUROR: This is the only accident over the past few

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1 years that you have had, that you went to
2 see a doctor for?

3 THE WITNESS: I believe that's correct..

4 A JUROR: And, you can't remember who it was?

5 THE WITNESS: No, I can't.

6 A JUROR: It would seem to me it would stand out in
7 my mind --

8 THE FOREMAN: Do you know the company that was insured
9 by the other car?

10 THE WITNESS: No.

11 THE FOREMAN: Didn't you have to fill out a form?

12 THE WITNESS: Yes.

13 THE FOREMAN: Didn't you get the name of the company?

14 THE WITNESS: Yes, I did.

15 THE FOREMAN: Did you get the name of the driver?

16 THE WITNESS: Yes, I did.

17 THE FOREMAN: Was it a lady or a man?

18 THE WITNESS: It was a female.

19 THE FOREMAN: Who was your insurance company?

20 THE WITNESS: City Insurance.

21 A JUROR: Do you remember the particular underwriter?

22 THE WITNESS: I think it was Metropolitan, I believe.

23 THE FOREMAN: You stated earlier you went to see Mr.

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1 Brinkworth because Kevin was going to see
2 him. Did Kevin -- Marvin, I'm sorry, you
3 stated earlier that the reason you were seeing
4 Mr. Brinkworth was because Marvin was seeing
5 him?

6 THE WITNESS: I said I believe that that's how I got --
7 retained Mr. Brinkworth because Marvin had
8 retained him for this accident, I believe.
9 I'm not -- I believe that's why Mr. Brinkworth
10 came into the picture.

11 A JUROR: Are you sure of that?

12 THE WITNESS: No, I'm not positive.

13 THE FOREMAN: Has Mr. Brinkworth stated to you that the
14 company offered a settlement?

15 THE WITNESS: I remember one time he said it was almost
16 finished and then I called him a couple
17 months later and he said it was back in the
18 Courts.

19 THE FOREMAN: Did you ever have to sign a letter of
20 intent taking one-third, was that ever
21 discussed, about the pay?

22 THE WITNESS: I don't remember.

23 A JUROR: You stated that you at least remember seeing

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1 a doctor once, right?

2 THE WITNESS: Yes.

3 A JUROR: And, that you lost no time from your job
4 because of the accident?

5 THE WITNESS: I said I don't remember losing no time.

6 A JUROR: I believe you stated you did not remember
7 losing any days?

8 THE WITNESS: That's what I said. I don't remember
9 losing any time.

10 A JUROR: Do you have any idea what Mr. Brinkworth had
11 in mind as a settlement for you?

12 THE WITNESS: I have no idea.

13 A JUROR: Taking into consideration the fact that you
14 had almost no doctor bills and you can't
15 remember losing any time, does over a thousand
16 dollars sound reasonable to you?

17 THE WITNESS: For who?

18 A JUROR: For yourself. I mean, considering you lost
19 no time and you had one visit to a doctor's
20 office?

21 THE WITNESS: I said I couldn't remember losing any
22 time. I didn't say I didn't. I said I don't
23 remember.

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1 A JUROR: The city -- their records show that you lost
2 no time?

3 THE WITNESS: If that's what the city records say --

4 A JUROR: And, they also state you had no medical
5 bills incurred and yet Mr. Brinkworth is
6 claiming he wants twelve hundred dollars.
7 Does that sound logical?

8 THE WITNESS: I don't know who paid the doctor if I
9 had no medical bills. I know I seen him
10 once, I'm sure that at least the once that
11 I remember seeing him, would indicate that
12 there should be a bill.

13 A JUROR: You think it would be a bill for one visit for
14 twelve hundred dollars?

15 THE WITNESS: I don't know.

16 MR. BURNS: What kind of treatment did you receive
17 from the doctor?

18 THE WITNESS: I don't really remember.

19 MR. BURNS: Do you remember in what area of the
20 body your injuries were?

21 THE WITNESS: No.

22 A JUROR: Do you hold a second job?

23 THE WITNESS: Do I hold a second job? No.

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1 A JUROR: Did Kevin ever tell you the insurance company
2 offered a settlement of any amount to you?

3 THE WITNESS: Not that I can remember.

4 A JUROR: Well, you were calling him every six months
5 and he says the case was almost closed?

6 THE WITNESS: The majority of the time I was talking
7 to his secretary and she would give me the
8 status of the case, majority of the time.

9 A JUROR: What did she say?

10 THE WITNESS: She'd -- basically, she said, at one
11 particular point, I don't know if it was him
12 or his secretary at that time, was almost
13 settled, then I called back and couldn't
14 get him and it was indicated to me that it was
15 back in Court so I just sort of forgot about
16 the whole thing.

17 THE FOREMAN: Do you know Mr. Brinkworth very well?

18 THE WITNESS: Not very well. I wouldn't say I know
19 him very well.

20 A JUROR: Would you say you consider him as a friend?

21 THE WITNESS: No. I -- I know him. I wouldn't
22 consider him a friend, no.

23 THE FOREMAN: Would you perjure yourself for him?

1 THE WITNESS: No, I wouldn't perjure myself for anyone.

2 A JUROR: You say you remember the accident. To be
3 the only thing going back that far, three
4 years ago, that you do remember. You were
5 traveling on Woodlawn Street, correct?

6 THE WITNESS: I don't remember if it was Woodlawn or
7 Otis that the accident happened at.

8 A JUROR: You were responding to a call?

9 THE WITNESS: That's correct.

10 A JUROR: The vehicle that you hit, how did that
11 happen, do you remember the circumstances
12 immediately around that? Was the car ahead
13 of you in the street, was it coming toward
14 you?

15 THE WITNESS: I hit it head-on, so it must have been
16 in front of me, on the side, I didn't back in-
17 to it, but that's all I remember about it.

18 THE FOREMAN: What caused you to hit that car head-on?

19 THE WITNESS: I don't remember.

20 THE FOREMAN: You didn't know the reason for it?

21 THE WITNESS: I don't know what caused --

22 THE FOREMAN: You don't remember?

23 THE WITNESS: No, I don't. It's all in the accident

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1 report. You have a copy of the accident
2 report.

3 A JUROR: Well, if you hit him, how could it be his
4 fault?

5 THE WITNESS: Well, in the case of an emergency
6 vehicle, has the right-of-way.

7 A JUROR: You hit him head-on, your side of the car
8 should have been damaged, not the other side
9 of the police car where your partner was
10 sitting?

11 THE WITNESS: Not necessarily.

12 A JUROR: Well then, you were on -- way on the wrong
13 side of the road?

14 THE WITNESS: Not necessarily. Woodlawn is a one
15 way street.

16 A JUROR: You said earlier that the other car hit on
17 Mr. Marvin's side of your police car?

18 THE WITNESS: Pardon me?

19 A JUROR: Let me finish. Your earlier testimony showed
20 you remembered the other car hitting the
21 police car on Marvin's side?

22 THE WITNESS: No, I didn't say that.

23 A JUROR: Now you said it was head-on?

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1 THE WITNESS: I didn't say that. I said the police
2 car struck the side of the car on Marvin's
3 side. That's what I said. The right side of
4 the police vehicle struck the other vehicle,
5 that's what I said.

6 A JUROR: Were you going the wrong way on a one way
7 street?

8 THE WITNESS: No, I was going the right way.

9 A JUROR: I don't understand how you could hit head-on
10 and damage the opposite side of the police
11 car unless you were way over on the left-hand
12 side of the street and the car --

13 THE WITNESS: What do you mean by head-on?

14 A JUROR: You said --

15 THE WITNESS: I didn't say the car was coming toward
16 me. I said I struck it with the right-hand
17 side of my vehicle. I didn't say the car --
18 I said the car was in front of me.

19 A JUROR: You were passing him, then, so you didn't hit
20 him head-on?

21 THE WITNESS: No, I didn't hit him head-on.

22 A JUROR: You said a while ago you did?

23 THE WITNESS: I did not. I said the car was in front

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1 of me.

2 A JUROR: You told us before the car was head-on?

3 MR. BURNS: Just testify --

4 THE WITNESS: I'm testifying the car was in front of
5 my vehicle. It wasn't coming towards me.
6 It was in front of my vehicle when I struck
7 it.

8 A JUROR: You didn't move out of the way?

9 THE WITNESS: That's what I don't remember. What
10 caused the accident, I don't remember.

11 A JUROR: Was the vehicle standing still?

12 THE WITNESS: What caused the accident, again I don't
13 remember.

14 A JUROR: How can you remember giving him the summons?

15 THE WITNESS: I remember back at the station giving
16 him a summons of refusing the right -- refusing
17 to yield the right-of-way to an emergency
18 vehicle.

19 A JUROR: Was the car going or was it standing still?

20 THE WITNESS: Wait. I was concentrating on his
21 question.

22 A JUROR: Was the car standing in front of you or was
23

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- 1 it moving at the time that you struck it?
- 2 THE WITNESS: I don't recall what caused the accident.
- 3 A JUROR: According to the police report the vehicle
- 4 turned out of the street, side street, and
- 5 three-quarters of the block down it had pulled
- 6 to the side of the road at which point you
- 7 struck it in the left rear and it also states
- 8 in the report that there was sufficient room
- 9 on the street for you to pass him. Does that
- 10 refresh your memory about the situation at all?
- 11 THE WITNESS: I think that goes to testify what I
- 12 just said, that's what I testified to.
- 13 A JUROR: This happened in the daytime or nighttime?
- 14 THE WITNESS: I believe it was nighttime.
- 15 THE FOREMAN: Can you recall what Marvin was doing
- 16 at the time of the accident? Was he sitting
- 17 up, talking on the radio --
- 18 THE WITNESS: I didn't remember what he was doing.
- 19 A JUROR: Do you know if the person you issued a
- 20 summons to pleaded guilty to that summons?
- 21 THE WITNESS: I don't know. I don't know what
- 22 happened. Disposing of a summons -- I know
- 23 I wasn't called --

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1 A JUROR: You never inquired to find out?

2 THE WITNESS: I was never called into Court to testify
3 against the summons.

4 A JUROR: You never inquired what happened to the
5 summons?

6 THE WITNESS: No.

7 A JUROR: Well, if you hit her in the rear and she was
8 as far to the right as she could be, why
9 would you issue her a summons?

10 THE WITNESS: Because I felt that she was wrong.

11 A JUROR: But, she was to the right as far as she
12 could be?

13 THE WITNESS: At that particular point --

14 A JUROR: And, there was enough room for you to pass,
15 why would you issue her a summons?..

16 THE WITNESS: At that particular time I issued the
17 summons, I felt she was wrong and issued a
18 summons to that effect.

19 A JUROR: Well, there was sufficient room -- it's
20 states there was sufficient room for the
21 police car to get by?

22 THE WITNESS: Who stated that?

23 A JUROR: Letter dated 30, November, 1972 from Mr.

W. G. Wright, for Government, Direct.

1 Scinta, Division of Motor Equipment Management,
2 City of Buffalo, this is Grand Jury Exhibit
3 36.

4 THE WITNESS: I think this letter is from Mr. Rosenthal,
5 which is the lawyer for the person I issued
6 the summons to.

7 MR. BURNS: Well, no. The --

8 THE WITNESS: I don't think that's from the Motor
9 Equipment Management.

10 MR. BURNS: Mr. Rosenthal is an employee acting on
11 behalf of Volkswagen Insurance Company.

12 THE WITNESS: I think that's the other party that
13 wrote that letter.

14 MR. BURNS: You don't agree with that statement
15 how the accident happened?

16 THE WITNESS: I expressed my sentiments on the accident
17 by issuing her a summons.

18 THE FOREMAN: Any other questions?

19 A JUROR: Yes, I have one.

20 MR. BURNS: Well, all the questions by the members
21 of the Grand Jury, I want to give Mr. Wright
22 some advice after all the questions are
23 concluded.

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1 A JUROR: You are very sure that you issued the
2 summons to this party?

3 THE WITNESS: To be truthful, I'm not very sure of
4 anything. I remember giving her a summons,
5 I believe.

6 A JUROR: It's tough, isn't it, trying to cover up for
7 somebody?

8 THE WITNESS: Is that your opinion?

9 A JUROR: It's my opinion, yes, sir. That's my
10 opinion.

11 THE WITNESS: You can keep it.

12 A JUROR: You don't remember some things, but yet that
13 you remember?

14 THE WITNESS: Do you remember what happened to you
15 three years ago?

16 A JUROR: I'm seventy years old and I had a serious
17 accident about four years ago and I can
18 practically tell you everything that happened.

19 THE WITNESS: Good.

20 A JUROR: How many times I went to the doctor even.

21 THE WITNESS: Congratulations.

22 MR. BURNS: Mr. Wright --

23 A JUROR: Do you know why we think you're covering up

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1 and why we don't believe you?

2 THE WITNESS: Well, it's not my duty to sit up here
3 and try to make you think one way or the
4 other. Only thing I could do is testify
5 to the best of my ability. Whether that's
6 good enough for you or not, I'm sorry.

7 MR. BURNS: Mr. Wright, in that connection, I want
8 to advise you it's certainly is appearing
9 to be the concensus of this Grand Jury at the
10 moment, that you're not telling the truth
11 here, that you do in fact, recall more than
12 you are testifying to with respect to such
13 details as the minimum of doctor visits you
14 had or the maximum of visits you had, the
15 type of injuries you had, the manner in
16 which the accident occurred and so prior to
17 your being excused, I ask you if you want
18 to modify your testimony in any respect,
19 adding anything to it, deleting anything from
20 it, changing it in any way?

21 THE WITNESS: No.

22 MR. BURNS: Any further questions? All right.

23 Mr. Wright, you're excused.

W. G. Wright, for Government, Direct.

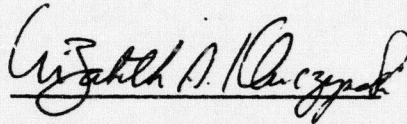
(Whereupon, the witness left the Grand
Jury room at 12:25 P.M.)

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Certification.

This is to CERTIFY that I, LIZABETH A. KLUCZYNSKI, having attended a session of the Federal Grand Jury, as Grand Jury Stenographer, on May 20, 1975, reported the proceedings contained in the foregoing forty-five pages at the time and place set forth in the foregoing matter. That the transcript is an accurate and complete record of the proceedings to the best of my ability.


LIZABETH A. KLUCZYNSKI